

## **REMARKS**

Claims 18-36 are pending. Claims 18-36 are rejected under 35 U.S.C. §103.

Applicants hereby cancel claims 21 and 31. Applicants also amend claims 18 and 29.

Applicants submit the following remarks and respectfully request reconsideration of the application.

### **Rejection Under 35 U.S.C. §103(a)**

In paragraph 3, claims 18-36 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,081,812 (Boggs) in view of U.S. Patent 6,529,478 (Schwartz).

Claim 18 recites the steps of setting metadata associated with the data to indicate initiation of a transfer of the data and setting the metadata to indicate the successful transfer in response to the determination that the transfer of the data was successful.

Neither Boggs, Schwartz, nor the combination of Boggs and Schwartz teach or suggest all the claim limitations of claim 18. Boggs discloses a method and apparatus for identifying at-risk data in systems with redundant components. The final Office Action recites from Boggs in col. 19, lines 61-65 that “the VSI mutation number is incremented whenever there is a major state change related to that VSI 602 (such as when a VSI is successfully exported to a network).” The final Office Action also recites that “where “transfer of the data” is read on “exporting VSI to a network.”” However, the “transfer of the data” cannot be read on “exporting VSI to a network” for the following reasons. In Boggs, the VSI 602 is the metadata (col. 19, lines 61-62). Boggs teaches a successful

transfer of the VSI metadata and then increments the VSI mutation number. Claim 18 recites metadata that is associated with the data. Claim 18 sets the metadata to indicate the successful transfer of the data as opposed to the successful transfer of the metadata as taught in Boggs.

The final Office Action recites that Boggs does not teach that the metadata indicates initiation of a transfer of the data. The final Office Action recites Schwartz to teach this limitation in the Abstract and col. 7, line 66 through col. 8, line 47. The final Office Action recites that Schwartz teaches metadata to indicate initiation of a transfer of the data. In Schwartz, the input port module receives a packet and then generates a meta-data packet identifying the output port module that is to transmit the packet and packet identifier information. (Abstract) The packet meta-data processor receives the meta-data packets and the operational status information from all the output port modules. (Abstract). If the packet associated with the meta-data packet is to be dropped, the packet meta-data processor notifies the input port module that is buffering the packet to drop the packet. (Abstract) If the packet associated with meta-data packet is to be passed, the packet meta-data processor provides the meta-data packet for the packet to the output port module, "which, in turn, will initiate forwarding of the packet to it . . . by the input port module." (col. 8, lines 5-13) In Schwartz, the meta-data packet itself initiates the forwarding of the packet to the output port module. There is no setting of the metadata to indicate the initiation of the transfer of the data as recited in claim 18. Furthermore, the meta-data packet in Schwartz includes a pointer to the packet in the input port module, the route information, and the length of the packet in col. 6, lines 43-47. The pointer, route information, and the length of the packet in the meta-data of Schwartz do not teach

or suggest an initiation of a transfer of data as recited in claim 18. Claim 18 advantageously sets the metadata to indicate the initiation of the transfer of data to maintain data integrity and ensure no other transfers of data cause interference. Therefore, absent a teaching or suggestion of setting metadata that indicates initiation of a transfer of the data, Boggs and Schwartz does not teach or suggest the step of setting metadata associated with the data to indicate initiation of a transfer of the data as recited in claim 18.

Additionally, claim 18 recites transferring the data from a data system to a file system. The Specification recites the “data system” as software programs designed to process and store digital data (Paragraph 6). The Specification also recites “file systems” as being specifically designed for file management and includes storage structures appropriate for standard storage devices. (Paragraph 9) The transferring of data in Schwartz is between an input port and output port as opposed to a data system and a file system as recited in claim 18. Thus, claim 18 is allowable for the above stated reasons over Boggs and Schwartz.

The final Office Action also states that Boggs would have been modified by the teaching of Schwartz because “including metadata to indicate initiation of a transfer of the data, would enable the packet meta-data to effectively provide output queuing of information used in making the pass/drop decision” as taught by Schwartz. Applicants respectfully disagree with this motivation to modify. Boggs discloses identifying at-risk data in a data storage system. Schwartz discloses a switching node with a packet meta-data processor that determines whether to pass or drop a packet. Applicants fail to see a suggestion to combine or modify these references because data storage systems and

switching nodes are unrelated. The use of metadata in each of the references solves different problems. In Boggs, meta-data is used to ensure that the VSI are unique throughout the network through a broadcast message. In Schwartz, meta-data is used to determine whether to pass or drop a packet in a switching node. Furthermore, as discussed above, the metadata does not indicate the initiation of a transfer of the data. Thus, one skilled in the art would not have combined or modified Boggs and Schwartz. Therefore, claim 18 is allowable for at least the above state reasons.

Attached also is an Summary of an Interview with Examiner Mahmoudi on August 1, 2005. Examiner Mahmoudi suggested that there may be “allowable subject matter” in claims 21 and 31. Applicants have amended claim 18 to include the limitations of claim 21 to further distinguish the claims from Boggs and Schwartz. In rejecting claims 21 and 31, the final Office Action recites col. 8, lines 22-31, col. 2 line 65 to col. 3 line 4, and col. 3, lines 4-10. These cited portions of Schwartz disclose discarding a packet in a network switching node. However, discarding a packet in a switching node is not the same as deleting data as recited in amended claim 18 because by dropping or not routing a packet, the packet is lost but no data is deleted. Thus, claim 18 is allowable for the above stated reasons over Boggs and Schwartz.

Claims 19- 20 and 22-28 are dependent directly or indirectly from claim 18 are allowable for at least the same reasons as claim 18.

Claim 29 is allowable for at least the same reasons as claim 18. Claims 30 and 32-36 are dependent directly or indirectly from claim 29 are allowable for at least the same reasons as claim 29.

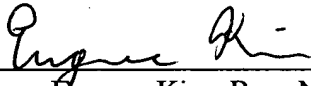
### Conclusion

In view of the above remarks this application is in condition for allowance, and the Examiner is respectfully requested to allow this application. The Examiner is invited to call Applicants' representative at the number below if he has any questions or if there are remaining outstanding issues.

Respectfully submitted,

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